DOCUMENT RESUME

ED 470 809 FL 027 495

AUTHOR	Gandara, Patricia; Maxwell-Jolly, Julie; Garcia, Eugene; Asato, Jolynn; Gutierrez, Kris; Stritikus, Tom; Curry, Julia
TITLE	The Initial Impact of Proposition 227 on the Instruction of English Learners.
SPONS AGENCY	California Univ., Santa Barbara. Linguistic Minority Research Inst.; California Univ., Berkeley. California Policy Research Center.
PUB DATE	2000-04-00
NOTE	39p.; Produced by the Linguistic Minority Research Institute, Education Policy Center, University of California, Davis. Also supported by the Stuart Foundation and the Center for Latino Policy Research, UC Berkeley.
PUB TYPE	Reports - Research (143)
EDRS PRICE	EDRS Price MF01/PC02 Plus Postage.
DESCRIPTORS	Administrator Attitudes; Bilingual Education; Bilingual Students; Educational Legislation; Elementary Secondary Education; *English (Second Language); English Only Movement; Immersion Programs; Language Minorities; School Districts; State Legislation; Teacher Attitudes
IDENTIFIERS	*Proposition 227 (California 1998)

ABSTRACT

In 1998, California passed Proposition 227, which severely restricted the use of primary language for instructing English learners, calling for a 1-year transitional program of structured English immersion. Researchers examined the effects of Proposition 227 in districts and schools statewide during the first year of implementation. Data from observations and interviews with district administrators, principals, teachers, and bilingual coordinators indicated that statewide, 29 percent of English learners were in primary language programs prior to 227, and 12 percent were in one after implementation of 227. Districts with a history of extensive primary language programs and significant numbers of certified bilingual staff were most likely to continue these programs. Where there was strong district leadership in providing parents with information about alternatives to structured English immersion classes or in urging principals to discontinue primary language instruction, schools followed suit. Teachers exercised considerable autonomy in interpreting district and school directives. There was significant confusion statewide about the school and district roles in informing parents of their rights to seek waivers from structured English immersion programs. What teachers chose to do in their classrooms following 227 depended largely on what they had done prior to 227 and on their own skills, experience, and beliefs about student learning. (Contains 18 references.) (SM)

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Patricia Gándara, Julie Maxwell-Jolly, Eugene García, Jolynn Asato, Kris Gutiérrez, Tom Stritikus and Julia Curry

UC Linguistic Minority Research Institute
Education Policy Center
University of California, Davis

University of California

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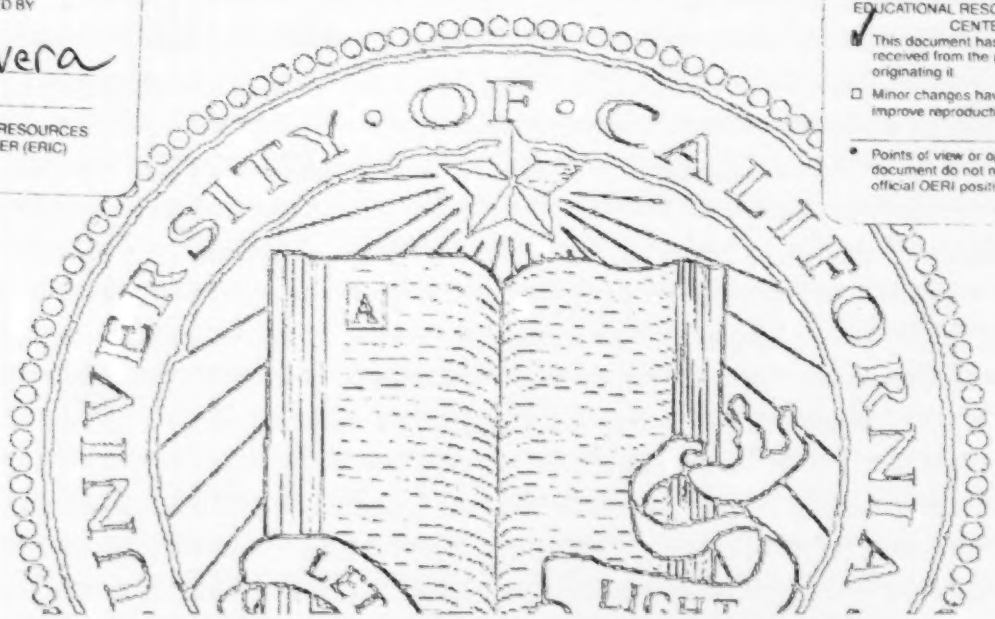

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UC Linguistic Minority Research Institute
Education Policy Center
University of California, Davis

April 2000

This research has been supported with grants from the Stuart Foundation, the UC Linguistic Minority Research Institute of UC Santa Barbara, the California Policy Research Center, and the Center for Latino Policy Research (CLPR) at UC Berkeley. We would like to acknowledge the helpful comments of Claude Goldenberg and Richard Dúran.

Abstract

In June 1998, California voters passed Proposition 227, which severely restricted the use of primary language for instructing English learners, and instead called for a transitional program of "structured English immersion" that was not normally to last more than one year. What has been the initial impact of Proposition 227?

During the first year of implementation a team of University of California researchers studied the effects of Proposition 227 in 16 districts and 25 schools throughout the state. The researchers interviewed district administrators, principals, teachers, and bilingual coordinators and observed classrooms. This study has yielded several important insights into the early implementation and impact of Proposition 227.

First, statewide, 29 percent of English learners were in a primary language program prior to 227, and only 12 percent were assigned to one after the implementation of 227. Across the districts and schools we studied, there was wide diversity of responses. Districts with a history of extensive primary language programs and significant numbers of certified bilingual staff were more likely to continue these programs than were districts and schools with weaker primary language programs and inadequate numbers of certified bilingual staff. Where strong leadership was exercised at the top of the district, either in providing parents with information about alternative options to structured English immersion classes, or in urging principals to discontinue primary language instruction, schools followed suit. However, where district leadership was less prescriptive, the decisions fell to principals, creating a diversity of responses within the district. In both situations, some teachers exercised considerable autonomy in interpreting district and school directives, resulting in a diversity of instructional strategies within the same school.

Second, in the initial months of implementation, there was considerable confusion across the state about the role of the district and the schools in informing parents of their rights to seek waivers from the structured English immersion program provided under the provisions of Proposition 227. Statewide, only 67 percent of districts formally notified parents of this option. Some districts interpreted the initiative as barring any proactive dissemination of waiver information while others considered it their duty under the law to provide parents with information about their program options. Schools and districts that facilitated access to information about the waiver option were more likely to continue to provide primary language instruction for significant numbers of students.

Third, what teachers chose to do in their own classrooms in the post-227 period depended to a great extent on what they had done prior to 227, and on their own skills, experience, and beliefs about students' learning. However, it was rare to encounter a teacher who contended that his or her instruction and class organization had not been affected. Teachers who were certified and experienced in bilingual instruction were more likely to continue to provide some level of primary language support for their students, although this varied greatly depending on the climate in their schools. These teachers were careful to keep primary language support within the strict confines of providing instruction "overwhelmingly in English," as defined by their district. Although many teachers who taught in waivered classrooms, using bilingual methods, contended that their teaching had not changed significantly, they worried that they would be required to change their practice in the future. And many experienced bilingual teachers who were no longer in bilingual classrooms reported feeling frustrated by not being able to use the full range of skills they possessed to instruct their English learners.

The passage of Proposition 227 in June of 1998 was a unique event in the history of schooling in California. It marked the first time that the public had been asked to vote on a specific pedagogical strategy for educating children. Normally, instructional methods are the purview of teacher training and research institutions where faculty members take the lead in deciding the methods that new teachers should use for instruction. Educators ordinarily debate decisions about curriculum and the process is adjudicated by the State Board of Education. Largely for this reason, all of the major educational organizations in the state opposed the proposition, believing that it usurped educators' authority. The California Teachers Association came out in strong opposition because they believed that this robbed teachers of professional autonomy and set a dangerous precedent. It is important to note as well that the passage of Proposition 227 came at the end of a protracted recession in the California economy –a period of high unemployment and job insecurity. Such times fuel concerns about people who are perceived to be a drain on the public coffers, and backers of Proposition 227 used the argument that bilingual education was a costly intervention. Finally, Proposition 227 was one of many policy changes that hit schools simultaneously, creating almost a siege mentality among educators who felt themselves bombarded by mandates that often prescribed conflicting goals and approaches.

The UC Linguistic Minority Research Institute (UC LMRI), composed of a consortium of faculty from all of the University of California's nine campuses, has a research mission to study the schooling of English learners. As such, the UC LMRI has devoted considerable resources to gathering information about the implementation of Proposition 227 soon after its passage. The Institute has encouraged researchers to share their data with each other in order to better understand the impact of this unique policy on the state's English Learner populations, their teachers and their schools. This report represents UC LMRI's synthesis of a body of survey, interview, and observational data from sixteen school districts and twenty-two schools around the state.

Language Policy in California

California was one of the first states in the nation to enact a comprehensive bilingual education bill. The Chacon-Moscone Bilingual-Bicultural Education Act of 1976 followed on the heels of the historic Lau vs. Nichols Supreme Court decision requiring that schools take affirmative steps to ensure that English learners had access to the standard curriculum. The impetus for California's legislation was the observation that limited English proficient students

do "not have the English language skills necessary to benefit from instruction only in English at a level substantially equivalent to pupils whose primary language is English." Thus, "The Legislature . . declare[d] that the primary goal of all programs under this article [was], as effectively and efficiently as possible, to develop in each child fluency in English" (California Education Code, 1976, Section 52161), while at the same time ensuring that they had access to the core curriculum. The preferred means for doing so was through early use of the primary language. However, in spite of legislation that mandated bilingual education, the policy was never without controversy, and over the years[1] there were numerous attempts to modify the law and abandon the practice of primary language instruction. In part because of this controversy, no policy was ever adopted to provide certified bilingual teachers for all English learners. Thus, while the Commission on Teacher Credentialing offered the Bilingual Crosscultural, Language and Academic Development (B-CLAD) credential, by 1997, only about one-third of English learners in California were actually in classrooms taught by teachers with bilingual certification (Rumberger & Gándara, 2000). The remaining two-thirds of these students were assigned to some other kind of program, or to no special program at all and often were taught by teachers with no special training to teach English learners (California Department of Education, Language Census, 1997).

Provisions of Proposition 227

It was in this context that Proposition 227 came onto the California political scene. Proponents of Proposition 227 contended that bilingual education had failed as a pedagogical strategy and should be abandoned. Evidence for its failure was found in the continuing underachievement of English learners and the low rate that English learners were reclassified as Fluent English Proficient. Yet, the fact was, less than one-third of all English Learners were enrolled in bilingual programs prior to the passage of Proposition 227 (see Figure 1), so their poor academic achievement could not be attributed to these programs.

Notwithstanding such information, Proposition 227 was passed by California voters in June 1998 and became law immediately, requiring that schools implement its provisions in the 1998-99 school year. Specifically, Proposition 227 required that "All children in California public schools shall be taught English by being taught in English" (California Education Code,

[1] The Chacon-Moscone Bilingual Education Act sunsetted in 1985 and thereafter the instruction of English learners was largely guided by Department of Education regulations that drew from existing federal and state law.

Chapter 3, Article 1.Section 305). The mandated pedagogical strategy was to place English learners in sheltered English immersion classes for a period not normally to exceed one year. These are defined in the law as multiage classrooms with students at the same level of English proficiency in which the focus of instruction is the development of English language skills and the language of instruction is "overwhelmingly the English language." The only exception to the English-only mandate was to be in the case in which parents sought a specific waiver of the English-only program for their children. According to Proposition 227, waivers could be allowed based on one of three conditions: 1) the child already knew English; 2) the child was over 10 years of age and school staff believed that another approach might be better suited to the student; or 3) school staff determined that the child had special needs that could be better met in an alternate program, including one incorporating primary language approaches.

Proposition 227 took a unique approach to insuring implementation that had considerable implications for schools and teachers. It provided that any educator who willfully and repeatedly refused to implement the law could be personally sued in court. Thus, in order to avoid legal liability it was critically important that teachers and administrators understand completely the provisions and restrictions of the law. However, the language of Proposition 227 left much to interpretation. For example, it was not clear what the course of action should be if students needed more than one year of specialized instruction (which virtually all of the research on language acquisition suggests would be the case[2]); how much primary language might be acceptable under the law in the sheltered English immersion classroom; or how much discretion schools or districts had in granting or denying parental exception waivers. Thus, the State Board of Education issued regulations clarifying some of these questions in October of 1998. However, since schools had to implement the law in September when most began the new school year, these clarifications came too late to provide guidance in the early stages of Proposition 227 implementation.

The October 1998 State Board of Education policy statement did not touch on the matter of allowable primary language in the classroom, but specified that students could be re-enrolled in the structured English immersion[3] program if they failed to gain sufficient fluency in English

[2] See Hakuta, Butler and Witt (1999).

[3] While Proposition 227 proposed a "sheltered English immersion" approach, it did not define this and regulatory language came to adopt the term "structured English immersion" after the literature which describes a pedagogical approach that focuses on the use of English for instructional purposes.

to successfully transition to a regular English classroom within one year. It also provided that "parents must be notified of the opportunity to apply for a parental exception waiver." Moreover, the Board ruled that all "parental exception waivers shall be granted unless the school principal and educational staff have determined that an alternative program offered at the school would not be better suited for the overall educational development of the student." This Board clarification shifted the burden of proof from parents seeking the waiver to those who would deny the waiver.

Competing Education Reform Efforts

A major theme in the implementation of Proposition 227 is the extent to which it has been affected by other school reform efforts. Proposition 227 was enacted in what has been the most active period of education reform in recent times. During the same period, class size reduction was expanded to include all of the primary grades (thus creating an enormous demand for new teachers), new curricular standards were being introduced into the schools, a state-wide testing program was implemented, and new restrictions against social promotion were enacted that could result in the retention of large numbers of students who do not meet grade level standards. The reforms have the potential for working at cross-purposes for children in general, but especially for English learners. For example, expanding class size reduction to additional grades increased the demand for teachers and required school districts to hire many new, untrained and inexperienced teachers who were often assigned to classrooms serving English learners (Shields et al., 1999). Furthermore, imposing strict new curriculum standards at the same time that statewide testing was implemented, without careful alignment of the tests and standards created a dilemma for all teachers. Trying to juggle new standards, a high stakes test, and English learners, without any specific training has proven to be a daunting, and sometimes demoralizing, task for teachers of English learners.

Description of the UC LMRI Study of the Effects of Proposition 227

The UC Linguistic Minority Research Institute's Education Policy Center entered into collaboration with several researchers around the state to collect early data on the impact of Proposition 227 on the state's schools. In the Fall of 1998, as the initiative was first being implemented, faculty and research associates from UCLA, UC Berkeley, and UC Davis joined in a consortium to share data and findings on case studies from a sample of 22 schools in 16 school

districts around the state. Because the intent and the methods of the separate studies were somewhat different, not all questions were asked in the same way at each site. For example, the Berkeley study included a lengthy protocol of questions about the way in which district administrators made critical decisions and the research team's classroom observations concentrated on the ramifications of these decisions. The UCLA study focused on classroom practices, both before and after the implementation of Proposition 227, and inquired about district policy as a backdrop to this examination of teacher practice. The UC Davis study attempted to examine the differences and similarities in district, school, and classroom responses to the law. Despite this variation, it was possible to organize the data from the different sub-studies around three major areas of investigation. The three organizing questions were:

1. How were policy decisions about the implementation of Proposition 227 made in the 16 districts and 22 schools?
2. What was the impact of these policy decisions on the instruction of English learners?
3. What was the impact of these policy decisions on teachers and their recruitment and training?

Although the studies are ongoing, they have already yielded several important insights into the impact of Proposition 227 during its first year of implementation.

How the Data were Collected

The three teams of researchers chose districts to represent a range of characteristics. The study teams looked for a mix of urban, rural, and suburban, as well as large, small and medium-sized school districts. They also sought to include in the study an array of district approaches to educating English learners before Proposition 227. They looked for districts that had English learners who were principally from the same single language background as well as districts where the students spoke a variety of non-English languages. Each study team, however, chose the particular districts and schools in their sample for slightly different reasons. The UCLA team carried out their investigation of the effects of Proposition 227 in 3 districts in which they were already working and about which they had valuable background data. The UC Berkeley team also had access to a number of districts through previous studies. For the Proposition 227 study they either returned to these or asked their contacts in these districts for recommendations of additional districts that might add to the study and that would be representative of a range of program approaches. The UC Berkeley researchers ultimately included 8 districts in their

sample. Finally, the UC Davis team chose 7 districts within relatively close proximity that had a variety of demographic profiles and a range of English learner programs before Proposition 227.

Although the study includes only sixteen of the approximately 800 districts in the state that have 6 percent or more English language learners, these sixteen districts include almost one-third of the state's EL students and about 20 percent of all students in California public schools (see Table 1). These sixteen K-8 and unified school districts also include seven of the top 10 largest districts in California, as well as three rural districts and significant representation from all geographic sectors of the state. Thus, while this is not a representative sample in the true sense of the word, it does include a range of the types of schools and districts serving California students. All but four of the districts serve mostly low- income populations and most have student bodies that include about one-third or more English learners. Statewide, about one in four students is considered to be living in poverty and an equal number is Limited English Proficient. Districts in our sample have a disproportionately high percentage of both English learners and poor students (as indicated by eligibility for the free school lunch program). Because having limited English ability and being poor are highly correlated in California, it is not surprising that we would see these statistics go hand in hand in the districts sampled.

The process for selecting the school sites within the sixteen districts varied among the three projects as well. The team from UCLA pursued their study in the schools where they were already working and where they had gathered rich background data. The UC Berkeley team asked administrators of EL programs in each of the eight districts to nominate two schools in their districts that met the following criteria: 1) EL students comprised 30 percent or more of the student body, and 2) the school represented the districts overall approach to Proposition 227 implementation. In other words, it was "typical" for the district. The UC Davis team asked the district administrators of EL programs whom they interviewed to recommend a school site in the district with a large number of EL students in order to include schools where the potential impact of the Initiative would be the greatest. The researchers from Davis also sought to include a range of responses to Proposition 227 among the seven schools in their sub-sample.

Table 1
District Demographics

District	Enrollment	Location	Type	Percent free or reduced school lunch	Percent
1	11,592	South	Suburban	61	46
2	53,462	North	Urban	67	32
3	133,687	South	Urban	63	28
4	78,470	Central	Urban	71	33
5	3,519	Central	Rural	57	33
6	61,174	North	Urban	52	32
7	6,484	South	Suburban	96	80
8	19,479	North	Suburban	40	10
9	667,305	South	Urban	73	46
10	7,660	North	Suburban	18	9
11	2,416	North	Rural	38	17
12	51,240	North	Urban	62	31
13	47,819	North	Suburban	33	6
14	35,154	Central	Urban	69	32
15	5,968	North	Suburban	62	32
16	9,297	North	Rural	47	21

SOUCRE: California State Department of Education, Dataquest (Sacramento, California: author). Retrieved November 8, 1999 from the World Wide Web: http://data1.cde.ca.gov/dataquest/.

As in the case of the district selection, this process of school site selection may lead to certain biases in the findings. For example, most, though certainly not all, of the teachers and administrators interviewed had been against Proposition 227 before its passage; some because of the content of the proposition itself and some because of the imposed nature of the change and its accompanying legal sanctions. The California Teacher's Association (CTA), California Teachers of English as a Second or Other Language (CATESOL), California School Board's Association (CSBA), and Association of California School Administrators (ACSA), all opposed the passage of Proposition 227, and this no doubt had an effect on the perspectives of their membership. On the other hand, there are some accounts reported in the popular press of teachers who are quoted as favoring the provisions of the proposition or who found unexpected benefits for their students resulting form its implementation.[4] It is not surprising that most of the teachers interviewed for this study would be against any measure that reduced or curtailed the use of primary language in the classroom, given the way the sample was selected. However, in the absence of a systematic

[4] See for example, Sahagun (1999) and DeFao (1998).

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survey of California's teachers, it is difficult to know to what extent our findings mirror the attitudes of teachers of English learners statewide.

Researchers began their inquiries by interviewing district administrators charged with Proposition 227 implementation in order to discern the district policy framework within which school and classroom decisions were made. They then followed up on information gained at this stage by interviewing principals, teachers, and bilingual coordinators in one or two schools in each district. Classroom observations were conducted in most of the schools. These were particularly extensive at three schools in southern California that had been part of a previous study.

The team from UC Berkeley interviewed two teachers from each of the 16 nominated schools. Principals were asked to refer teachers whose classrooms represented the overall district response to Proposition 227. Teacher grade level ranged from early primary to middle school with the greatest concentration of teachers in grades one through four. Each of the selected teachers served in a classroom in which at least 30 percent were English learners.

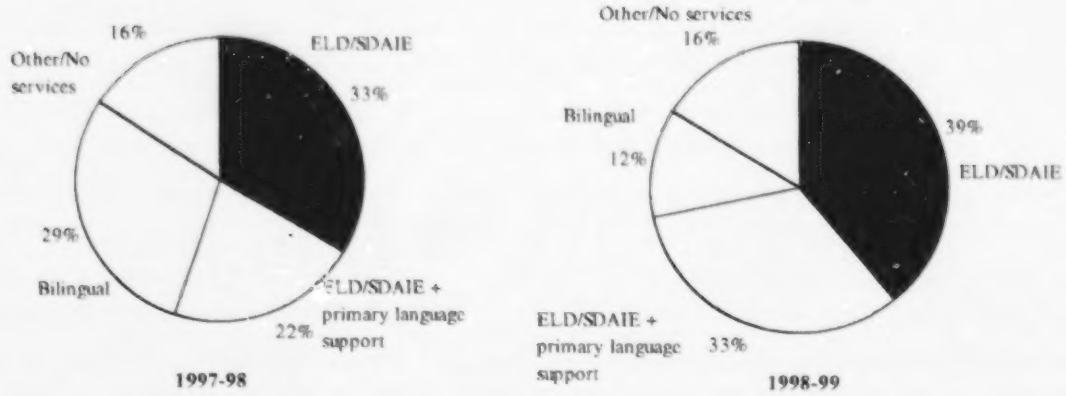
UC Davis researchers interviewed school-level coordinators of EL programs, bilingual or ELD resource teachers and three to five classroom teachers at each school. All of the teachers interviewed by the Davis team taught in grades K-6 and , like the UC Berkeley study, the greatest number of interviews were of teachers in grades one through four. The teachers interviewed were those who had had the greatest responsibility for teaching English learners before Proposition. Researchers also interviewed instructional aides in cases where they had important program responsibilities. Thus, in all the team from Davis interviewed over 40 individuals who worked either in the classroom or directly with students. The UCLA team interviewed 21 elementary school level teachers both individually and in focus groups, and the UC Berkeley team interviewed 32. Thus the total number of teachers and staff involved in the studies exceeded 90 educators.

Findings

How district decisions were made

Statewide, 29 percent of English learners were in a primary language program prior to 227, and only 12 percent were assigned to one after the implementation of 227 (see Figure 1). Across the districts and schools we studied, there was wide diversity of responses.

Figure 1
Types of Instructional Services for English Learners Before and After Proposition 227



NOTE: ELD/SDAIE is English Language Development (ELD) or Specially Designed Academic Instruction in English (SDAIE).
SOUCRE: Russell W. Rumberger & Patricia Gándara, The schooling of English learners, In G. Hayward and E. Burr (Eds.) Conditions of Education 2000 (Berkeley CA: University of California, Policy Analysis for California Education, 2000), Figure 3.

At a superficial level, districts appeared to adopt policies that were consistent with their practices prior to Proposition 227. Therefore, if a district was not especially supportive of primary language programs prior to 1998 and did not have a critical mass of credentialed bilingual teachers, it was more likely to embrace the new law as a vindication of long-standing policies. Five districts fell into this category. Among these five districts, primary language instruction was reduced to zero in four, and fell from 41 percent of all English learners to just 8 percent receiving primary language instruction in another after the passage of Proposition 227. Based on observations and interviews within their sub-sample researchers concluded that weaker primary language programs were more likely to meet their demise than stronger ones. Nevertheless, even isolated strong bilingual programs within districts with weak commitments to primary language approaches did not survive Proposition 227. Table 2 displays the percent of primary language instruction both before and after Proposition 227 as well as researchers' assessment, based on interview questions, of the districts' stance regarding primary language programs prior to passage of the initiative.

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Table 2
Pre and Post 227 District Primary Language Instruction (L1)

District	Percent English Learners	Percent L1 Instruction 1998	Percent L1 Instruction 1999	Pre-227 Policy RE: L1*
1	46	27	0	-
2	9	9	11	+
3	33	17	11	/
4	46	34	5	/
5	80	65	37	+
6	32	19	41	+
7	33	41	8	-
8	38	9	0	-
9	31	9[5]	4	/
10	28	33	17	/
11	32	43	43	+
12	6	3	0	-
13	32	16	2	/
14	10	4	0	-
15	32	20	19	+
16	24	41	35	+
State	25	29	12	

NOTE: * - indicates weak commitment; + indicates strong commitment; / indicates divided
SOUCRE: California State Department of Education, Dataquest (Sacramento, California: author). Retrieved November 8, 1999 from the World Wide Web: http://data1.cde.ca.gov/dataquest/.

Assessment of districts' pre-Proposition 227 stance with respect to language programs was based on researchers' familiarity with district programming, interviews with administrators, and language census data collected by the state on the numbers and types of programs offered by districts. If a district had a strong commitment to primary language instruction before Proposition 227, a well-developed bilingual program with substantial instruction in both languages, and a critical mass of credentialed bilingual teachers, then it was likely to have made a serious effort to maintain the existing program in district schools. In fact, as is shown in Table 3, districts with little or no commitment to primary language programs and those with mixed or divided commitment pre-227 had similar outcomes. Only in districts where there was a strong commitment to primary language programs before the initiative passed did these programs remain vigorous. This was achieved through a pro-active approach to assisting schools with disseminating information about the parental option to seek waivers. Six districts fell into this

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category. Some of these districts were able to secure nearly 100 percent waivers from parents, or as in two cases, the districts declared themselves to be "waiver districts." That is, they argued that the entire district was seeking a waiver from the law. One of these districts, evidently by way of underscoring its commitment to a primary language policy, recorded significantly more students in primary language classes after Proposition 227 than before.

Table 3
Primary language instruction 1998 and 1999 for districts in three categories of commitment to primary language programs prior to Proposition 227

Pre-227 stance (Number of districts)	Mean Percent Primary Language Instruction 1998	Mean Percent Primary Language Instruction 1999	Change in Mean Percentage Primary Language Instruction
Strong English only stance (5 districts)	17	2	15
Divided commitment (5 districts)	22	8	14
Strong primary language stance (6 districts)	33	31	2

* Primary language instruction

One large urban district in the sample continued its bilingual programs, and used Proposition 227 as an impetus for looking at ways to improve primary language programs for all English learners. Thus, the district coordinator of bilingual programs noted that,

> We've continued the bilingual programs that existed prior and have had about 99% waiver requests. So those programs have continued. It hasn't altered that in any way. And has had, I would say...it's helped reiterate the needs of the other language groups in the district. Because, the programs that did exist only served a small number of kids relative to the total number that we have.

In cases where the district was divided in its approach, where there was difficulty achieving consensus, or where the size of the district admitted to great variation in practice, the decision about how to implement the law was often left to the individual school principals, and local school communities, with relatively little interference from above. Five of the districts were found in this category. In these cases the school principal and, to varying degrees, the

[5] Informants from this district tell us that these figures represent a change in the district's classification of what constitutes a primary language program and that there were as many students in fully implemented bilingual programs in 1998 as in 1999.

teachers and local community determined the fate of primary language programs. In all five of these "laissez faire" districts where there was no clear support for continuing bilingual programs significantly fewer students were participating in these programs after Proposition 227. Some districts lost classrooms at various schools while the school program remained intact and other districts saw the demise of entire school programs.

An administrator in a rural school district that had traditionally had mixed district and community support reported that after 227 the district lost a number of primary language classrooms:

> Either they're going to be in a parental waiver program or they're going to be in a mainstream program. And, if they're in a mainstream program, they receive all their instruction in English. If they're in a bilingual program, then if they're implementing correctly, they've received Spanish language instruction. Now, whose responsibility to see that's happening? That's the site administrator's. And... I do know that prior to 227, the number of schools that had classrooms that were called "bilingual classrooms" versus the number that we have now..... we lost maybe 25 identified classrooms.

A teacher in a larger urban district spoke of her disappointment that district administrators did not provide more leadership in terms of a 227 response.

> What I sensed was the people. . . were like a little bit afraid. The people that were responsible for the program wanted to follow things the way they were set up in 227. And, I... they didn't say it, but I sensed like they were afraid maybe if they would try to do something else, they would get in trouble, lose their jobs, things like that. I was discouraged though. (laughter) Because I thought those were the people who could do so much.

Finally, those districts with few students in primary language programs prior to Proposition 227 and a strong commitment to English only approaches eliminated virtually all primary language classrooms in their districts. Of course, this information does not tell us the extent to which primary language teachers actually eliminated the use of students' home languages in their teaching in any of these districts.

Key Role of Waivers

The parental exception waiver is the tool that districts used to determine policy with regard primary language programs after Proposition 227. Districts made a decision about whether or not to offer a waiver option and, if so, how vigorously to promote or pursue the waivers. Differences in whether and how this option was presented, then, defined the differences

among districts' 227 policy to a large extent. In spite of the California Board of Education's directive requiring all districts to provide information to parents about their option to seek a waiver from the structured immersion program, the provision of information about program options and access to waivers varied greatly across districts. Some districts immediately made information and waiver forms available and encouraged or allowed their teachers to inform parents of this option. An administrator in one large urban district with a history of strong commitment to primary language instruction explained their waiver process in the following way:

> What we basically did was to ask for the consent of every parent to place a child in a bilingual setting or in the English Only setting so that every child that was LEP received, or that every parent of an LEP child received a letter requesting that they give their consent so we can place their child in a bilingual or in an English placement. We explained in that letter that the legislation had passed, that we were required to place the child in their English Only setting. If they did not inform us with a letter, a signed letter, that they preferred a bilingual program for their child. So, both bilingual and English Only programs are available as well mainstream English. We also informed the parents, the teachers, and the principals, of what our particular board policy was and what our particular situation was with respect to the consent decree that ordered bilingual/bicultural education and what our steps were going to be regarding the alignment with 227. And once we did that, we revised the Board policy as well so that it would be in alignment with 227.

When a principal in the same district was queried about how the waiver process had proceeded he noted,

> Basically, we followed the directives of the district. We informed parents of their rights and got informed consent—consent forms for all of the students whose parents were choosing bilingual programs...We're really close to 100 percent...all the children.

As a result the school maintained pre-227 programs with minimal interruption. In this district, principals credited the district leadership with setting a course of action that facilitated this outcome.

Other districts delayed in providing information about, or access to, the waiver forms as they worked on articulating their 227 policy, considered their legal options, debated approaches, and/ or went through multiple iterations and translations of the waiver form. All of this delay and equivocation had a major impact on the numbers of parents seeking waivers. One district was reported to offer the waivers, but required that parents seeking a waiver come to a school

meeting. At the meeting they were informed that the school could not guarantee what kind of program would be provided or even if their children would be able to stay in their neighborhood schools. Translation of the waivers was also an issue in this district with teachers reporting that the waiver information was incomplete, misleading, and intimidating.

Some teachers and administrators believed that their districts were more concerned with following the letter of the law than truly informing parents of their rights. A coordinator of EL programs in a large suburban district with a high percentage of English learners described her assessment of her district's efforts in the following way:

> But I get the sense that when I look at the district's communication with the parents. It . . . . . .was not clear, I don't believe it was clear. It was the kind of formal letter that a superintendent might write to a lawyer. And if you really want parents to understand their rights, then that is not the way you communicate with them. But they were what we call following the letter of the law, We communicated with them and we said that you have this right according to da da da da da. So I don't believe we made a good faith effort. We made a legal effort. We followed the letter of the law. But we didn't follow a philosophy.

One urban district that took a laissez-faire attitude and allowed individual principals to direct the policy at their schools predictably saw a great deal of variation in programming. The administrator of instruction for English learners in this district described the following scenario:

> Unfortunately, we... tried to approach the community to make them aware of the waivers and ... the process for getting them. But ... out of our 28 elementary schools, we have three schools with waiver program, bilingual classes. I think we have 14 classes total at three schools. And to me, that was very... how to say, disappointing...I have a grave suspicion that this information was not made readily available at school sites because, even after we went all the way back through that training of the school site people, I had secretaries say, what are you talking about... what's a waiver? So again, it depends a lot on the principal... Again, there was one school, which is an Eastman model, and [the principal] went out and actively solicited parents and made the information available to them, and that is the school that has the largest situation of alternative program. And so... and to compare that with the secretary saying, "well, I don't know, we don't know anything about this. . . .

Finally, some districts and schools simply did not provide the waivers at all. In such districts parents were unaware or poorly informed of the waiver option. According to a survey conducted by the State Department of Education in the fall of 1998 (CDE, 1999), approximately one-third of reporting districts did not offer a waiver option to parents. The statewide survey indicated that this was because the district was very small or did not have sufficient numbers of

English learners to provide an alternative to the legally mandated structured English immersion program. However, our observation was that this also occurred in districts that were large enough and had sufficient resources to provide an alternative program if they had so chosen, as well as in one district that had implemented a strong primary language program prior to the passage of 227. For example, in this large suburban district with a high percentage of English learners, the district administrator in charge of EL programs described their situation in the following way:

> Basically, we moved, removed, a large portion of our bilingual program serving Spanish bilingual children last year who were receiving instruction in Spanish and transitioned them into Structured English Immersion. As of date, we do not have a sufficient number of parental exception waiver requests on file to create any sections in Spanish bilingual program. And we don't have any parental exception waivers from parents of Chinese, Vietnamese, Cambodian students requesting bilingual services. That's it in a nutshell. We are now functioning basically almost as a English Only program for our LEP students.

In a small, rural school system, the size of the district may have contributed to the demise of the primary language program. Administrators decided not to offer a waiver option because the district did not have the capacity to offer bilingual programs. Although there had been a bilingual program at one school prior to 227, district leaders felt that offering a written waiver option would be opening a Pandora's box of parent expectations and requests that they couldn't meet. Thus, all bilingual instruction was terminated:

> If a parent decides they want an exception request, the [school] administrator can sign it, but it will only verify that they received it because we don't have any alternative program. Number one, because we're not big enough; number two, because our schools are so spread out that there is no place else for them to go, really.

In a large suburban district in which there was a history of conflict over bilingual education, informants told us that the waiver option was offered but that parents were strongly discouraged from seeking it. This discouragement took the form of delayed and inappropriate translations of the waiver option information letter to parents and of a strong caveat that their children were unlikely to be able to stay at the neighborhood school if parents chose a bilingual program. A bilingual administrator captures the spirit of the district approach to 227 options:

> One option is for parents to wait until there are 20 students with waivers so that the school can set up a classroom... a primary language classroom for Spanish speakers. The other option is for parents to transfer their children out of the

district to a district that has a program that they want. However, they have to provide their own transportation. So, realistically this will not happen. Therefore, currently, there are no primary language programs in the district.

The Impact of Proposition 227 on Instruction

The impact of Proposition 227 on classroom instruction must be viewed in the context of the huge challenges that sample schools were already facing. All of these schools had large numbers of English learners. They also educated many very low- income children. Perhaps most significantly, while there is a broad range, many had excessively high percentages of uncredentialed teachers. It is estimated that in California about ten percent of all teachers do not have a credential, however the range in the percent of teachers without credentials in the schools observed is from 0 to 33 (Shields, et al., 1999). Shields, et al. (1999) also note that when a school has about 20 percent or more uncredentialed teachers, it becomes nearly impossible to meet its educational mission. Furthermore, in a recent survey conducted by the Department of Education on the impact of Proposition 227, schools cited professional development to help teachers teach English learners as one of the most highly unmet needs. Table 4 shows the demographics and the percent of teachers without credentials in the 22 schools that participated in the study.

The impact of Proposition 227 on classroom instruction can be categorized in two ways: (1) its impact on the organization of instruction –how students were assigned to classrooms and curricula, and (2) how the content of instruction was affected. In both cases, we found much more impact on instruction than would have been discerned by simply looking at the number of students in SEI or alternative class assignments, or by interviewing administrators about the implementation of the law in their schools. In fact, in some cases one was tempted to conclude on the basis of administrator interviews, that not much had changed.

Table 4
Demographics of Participating Schools

Schools	Type	Percent School Lunch	Percent English Learners	Percent L1 Instruction 1998	Percent L1 Instruction 1999	Percent teachers w/o credential at sample schools
1	suburban	74	46	39	0	13
2	urban	77	41	10	51	10
3	urban	77	47	11	48	14
4	suburban	100	76	83	53	11
5	urban	97	69	62	56	3
6	urban	95	58	45	47	2
7	rural	100	67	64	57	33
8	rural	69	37	77	0	14
23	urban	70	44	56	23	10
10	urban	82	69	62	56	17
11	urban	98	83	86	46	30
12	urban	95	74	85	51	24
13	urban	86	23	53	0	8
14	urban	88	21	0	0	13
15	urban	99	66	45	0	15
16	suburban	53	18	0	0	3
17	rural	61	40	0	0	9
18	urban	97	54	87	71	16
19	suburban	91	21	45	0	18
20	urban	88	42	47	31	33
21	suburban	82	38	0	0	0
22	rural	57	36	73	55	21

SOUCRE: California State Department of Education, Dataquest (Sacramento, California: author). Retrieved November 8, 1999 from the World Wide Web: http://data1.cde.ca.gov/dataquest/.

Impact on Organization of Instruction

Much did indeed change, however, in the aftermath of the passage of Proposition 227. Across the state of California, the percent of students in programs providing primary language instruction was reduced by almost 60 percent and this reduction was mirrored in the districts we studied. Sometimes it is difficult to interpret the meaning of the change in the numbers of students officially assigned to bilingual classrooms and occasionally those numbers obscure more than they reveal. For example, some schools and districts complied with Proposition 227 by creating their own definitions of terms such as "overwhelmingly in English." Thus, students assigned to a structured English immersion classroom might have been provided with 52 percent of their instruction in English, meeting their own definition of "overwhelming." Another strategy was to provide "pre-instructional activities" and "review sessions" in the primary

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language, reserving the actual instructional time for English only. An administrator in one large district described the challenge of defining "overwhelmingly in English" in a way that met legal, but not necessarily instructional, objectives:

> A lot of districts are having a difficult time with that. In a Structured English Immersion setting, notice I didn't use the word program or project because I'm not sure such a thing exists. There's no program called Structured English Immersion. Even the state is calling it the Structured English Immersion Process. 'Cause we're not sure what that is. But one thing we do know is that it has to be overwhelmingly or almost all in English. Districts define that differently. And the state department of education, the state board of education has allowed districts in California to interpret that based on their own criteria as long as its overwhelmingly in English. And so the district has determined that 60% of the time you have to teach in English, and 40% in Spanish or whatever it is. 60-40, 70-30, 80-20, 90-10, I've heard it all. and it all adds up to the point now that districts in California, we are forced to come up with a working definition based on the legal , uh, interpretations not based on the instructional needs of the child. When I said to a teacher that for every hour in the classroom you're allowed to use five minutes of Spanish, I'm saying that five minutes of Spanish will have to do for kids who have no English at all, or kids who are very close to being fluent in English. The districts are very fearful of being singled out for a lawsuit because there is that provision in 227. So the overwhelmingly in English, the nearly all in English, is really a nightmare for many of us.

In other schools, teachers were coping with "no Spanish" district and school mandates. Formerly bilingual teachers in these circumstances mentioned engaging in a fair amount of "clandestine" translation. Although they had no materials and little experience in teaching complicated concepts exclusively in English, they attempted to do this. One first grade teacher echoed a feeling expressed by others as well about the fear of using too much Spanish in the classroom:

> Two [English speaking] students I can think of asked me if I was talking in Spanish to the class...they're learning that from their parents, just to make sure that their teachers are following the new regulations.

Impact on Instruction

It is in the classroom where one can see the greatest impact of Proposition 227, but much more was operating than this new law. Teachers were grappling with new standards, and especially with the new statewide testing. The convergence of these mandates left many in a quandary about how to approach their teaching. A fourth grade teacher in a large suburban district talked about feeling that she had "no protection" if she did not "produce" students who

met the new standards, thinking that she could be "out of a job." She also noted that students who did not speak English would "always score below students who were English speakers" and so she felt in a catch-22 situation.

Other teachers noted similar anxieties:

> And then also it... all the pressure that the testing, the assessment. I've spent more time assessing than teaching this year and on top of that everybody's been complaining about that. That's why the talk of strike... and all the uproar with the teachers. And on top of that we have the 227 down our backs, so it's been an extremely stressful year, to say the least.

English-only testing was observed to have an extraordinary effect on English Learner instruction, causing teachers to leapfrog much of the normal literacy instruction and go directly to English word recognition or phonics, bereft of meaning or context. Teachers also worried greatly that if they spent time orienting the children to broader literacy activities like story telling, story sequencing activities, reading for meaning or writing and vocabulary development in the primary language, that their students would not be gaining the skills that would be tested on the standardized test in English. They feared that this could result in the school and the students suffering sanctions imposed by the law. Thus, even in the classrooms that had been designated as bilingual, and where principals often contended that little had changed, teachers revealed that their teaching practices had indeed changed substantially and that their students were receiving much less literacy instruction in their primary language. The following account is an example of the intense focus on form over meaning, with an emphasis on teaching students how to respond to standard test-like questions in English. The account is from a second grade structured English immersion classroom in a Central Valley school.

> Ms P. stood at the front of the class and had just read the first problem on the worksheet. She instructed students that they were supposed to circle each long vowel sound in each of the sentences and write this word in the long vowel column. Ms P. completed the first three sentences with the students. During the first three sentences, a few student were calling out without being officially recognized. When this happened on the 4th sentence, Ms P. said, "Since you seem to have no problem with this activity you can do it on your own.
>
> Ruben and Miguel rubbed their hands together excitedly when they were told that they would be doing the activity on their own:
>
> Miguel: (reading "Will Pat go to the store?" in a flat tone with no questioning intonation) "Will Pat go to the store." (Pauses for a moment). "Will Pat go to the

> store." (Still no raised intonation). Will Pat…Pat go to the store? (an almost raised but unnatural intonation on store). Miguel raises his head from the text. "That doesn't make any sense." (almost smugly) "Don't matter." He picks up his pencil and writes the words go and store in the Long O column.

Thus, Miguel could write words with long O's in a column, but he no idea what the words meant.

The following account is from a second grade classroom in an urban district that continued to provide primary language instruction, but was placing an increased emphasis on early oral English in order to get students ready to be tested in English. The teacher was presenting an English only lesson to the class:

> During the mandatory structured English period where all students received instruction only in English, the students were working on Thanksgiving essays. The information came from a picture book that was read to the students the day before. After brainstorming all the information, the students were to write journal entries from the viewpoint of a pilgrim boy or girl and to describe the first Thanksgiving. After eliciting all the facts from the story, the teacher wrote a sample sentence on the board to prompt students in their journal writing. She writes, "My name is _____. I am a Pilgrim. I came from_____." As the students start writing she goes around the room checking over the work. It becomes clear that the students are not sure what to write beyond the three sentences modeled on the board so Ms. D asks the class to report some of the facts they discussed earlier such as to why the pilgrims came to America. One boy offers that the pilgrims came to America to pray to God. Ms. D adds, "in my own way. Pray to God in my own way." Once again she has the class repeat that phrase.
>
> Thus, students learned to parrot the phrase, "Pray to God in my own way." But the phrase was not elicited from students based on their understanding of the text, rather it was an answer that allowed the task to be completed without placing cognitive demands on the readers,

Thus, students learned to parrot the phrase, "Pray to God in my own way." But the phrase was not elicited from students based on their understanding of the text, rather it was an answer that allowed the task to be completed without placing cognitive demands on the readers,

In a focus group with teachers from one large urban district that was attempting to create more English only classes as the result of Proposition 227, teachers expressed their views about the type of teaching that we chronicle above. One first grade teacher critiqued the prevailing pedagogy in the following way:

> I feel like the children are forced into silence. Really…they're really not getting the opportunity to express themselves as they normally would were they in a bilingual classroom. And I, I feel sorry for them. I really do. I think that it's very unfair I don't think they['re receiving a equal opportunity, equal education in the sense that they're really not learning to read. They're learning to decode. But, their decoding skills are coming along nicely, but the problem is that second language acquisition it takes time. And you know the district expects us to move these children from ELD level 1 to ELD level 4 in a matter of one year, which ELD level 4 then you can begin to present instruction of all the subjects in English.

Another teacher in the focus group added:

> One of my frustrations has been journals this year. My kids have been writing journals. I did a lot of journalling with them last year, my second graders. And this year they were all writing in Spanish in their journals and so I didn't know what to do. and I really have just stopped journals. Because they really can't write what their thoughts in English. And every once in a while I think about it and think they're not doing journals because I didn't want them to write in Spanish because I thought they weren't supposed to write in Spanish and they don't have enough knowledge to do it in English.

The bilingual classrooms that had been observed prior to the implementation of Proposition 227 showed a much more reductive notion of literacy in its aftermath. Language and literacy were rarely used as tools for learning but rather English language learning (oral fluency) was becoming the target of instruction. Heavy emphasis was placed on decoding skills (phonics) and vocabulary development rather than developing broader literacy skills such as reading for meaning, or writing. Teachers attributed this focus to their concerns about the English language testing to which students would be exposed.

Lack of adequate instructional materials was a significant problem in many schools. Spanish language textbooks were stored away or sent home with children, but they were not replaced with materials that could help teachers to convey lessons in English. A second-third-grade combination teacher in a rural school that had abandoned primary language commented on her situation:

> Every year that I have been here, I've tried to get some books in Spanish and, little by little we finally got some and the Scholastic Series, when our District adopted it, I was really behind adopting that because they had a big part of that that was for bilingual. And, so, once we got it, then we were told with the new legislation, we can't use it. So, you know, I fight for all these years to get the books, but you can't use it. So, jokingly, I asked the Superintendent well, gee,

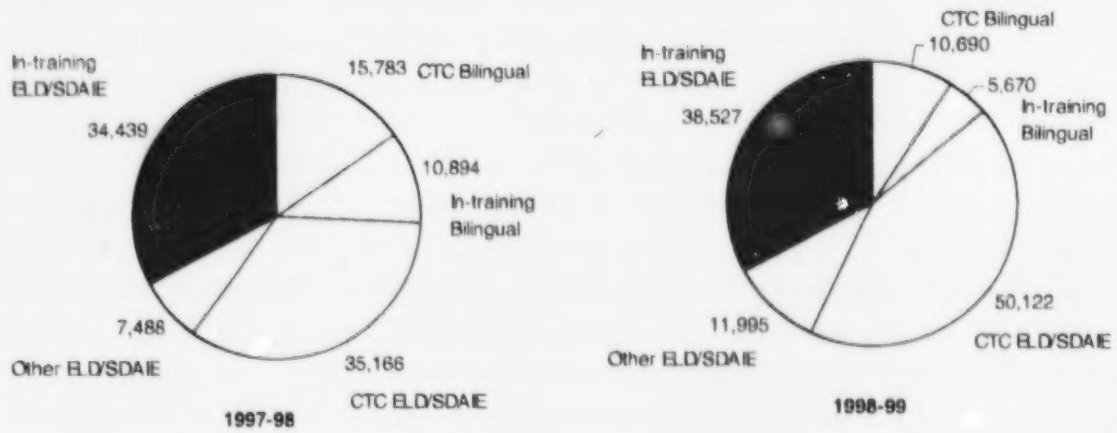
> what am I supposed to do with it, you know? Oh, you can send it home with the kids, it just can't be at school. So, I was like, no I don't think I'm going to do that. I'll loan them home, but I want them back because I know how hard we've worked, I've worked to try to get something. …and then the reading that we do with them is reading from the Scholastic Reader [in English]……it's really above their level, ….., their remedial reading program is, you know, with the specialist. She takes the very lowest ones and works with them. But, you know, in talking to her she gets very frustrated with the ones that are in limited English. And I said, well, you know, what are we going to now? Now that we've tried this and it's not working, what are we going to do? Well, I don't know, we just make him do it again, make him do it again…..

In sum, there is enormous variation in the type of instruction to which children are being exposed. This variation depends on a host of factors: the policies the district has devised for implementing Proposition 227; the working definitions of the law as interpreted at different sites; the training and experience of teachers; the history of instruction for English learners in the school and district, the relationship of the school to the parents; and the school and district climate –whether it is one of strict compliance with the letter of the law or one in which the district or school has decided to take an active role in interpreting the law.

The Impact on Teachers and their Training and Recruitment

Approximately one-third of certified bilingual teachers who served in bilingual classrooms prior to 227 were no longer doing so in the period following the passage of the initiative (see Figure 2).

Figure 2
Number of Teachers Providing Instructional Services for English Learners by Certification, Before and After Proposition 227



NOTE: CTC teachers are teachers who hold valid certificates for the designated type of instructional service from California Commission for Teacher Credentialing (CTC). ELD/SDAIE teachers hold certificates to teacher English Language Development (ELD) or Specially Designed Academic Instruction in English (SDAIE). Other teachers hold an SB1969 certificate or CDE approved district certificate.
SOUCRE: Russell W. Rumberger & Patricia Gándara, The schooling of English learners, In G. Hayward and E. Burr (Eds.) Conditions of Education 2000 (Berkeley CA: University of California, Policy Analysis for California Education, 2000), Figure 4.

We questioned the impact of the dramatic shift in policy on these teachers and what the ongoing effects on the training and recruitment of teachers to serve English learners might be. For teachers who had trained as bilingual teachers, devoting the extra time and resources to acquire this credential, the impact was significant. One first grade teacher from a larger suburban district that had abandoned its bilingual program represented the very emotional reactions that many formerly bilingual teachers had:

> Well, I know that what I'm doing is not the best for the kids and...that's not why I in my middle years chose teaching, being so painfully aware ...of the consequences of not being able to teach them in the language ... that's comprehensible for them, How much of the curriculum you lose and your self-esteem and the validation of your culture and language. We're losing a lot of that...They come in not being very...sure and I have to build the Spanish, being bilingual, being a good thing. Being told that I can't use the word bilingual is very painful. It's the only place in the country... I went to Florida...and noticed a

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> difference of mentality where bilingual is a good thing, it's a must. It's almost a requirement in Florida and here it's like, you know, you can't say the word bilingual. That was very... quite a slap in your face, in the face for us as Latinas, saying that having two languages was a... It is just...horrific.

Teachers also talked at great length about not knowing what was acceptable and what was not, under the new law. Schools and districts, in their own confusion, often sent mixed signals, or none at all and many teachers were unsure of how to properly implement the mandate in the classroom.

The teacher of the two-three combination in a rural district that no longer provided a bilingual program talked about the transition to the structured immersion curriculum:

> Well, I started out the year very uncomfortable. Just feeling like I've been really jerked around. Um, as far as philosophically I'm not very comfortable with it at all, you know, but I understand that it's not up to me. I guess at first I was totally paranoid about it and then, you know, I was told that as long as I didn't talk more than 30% of the time in Spanish and as long as I didn't talk to the whole group in Spanish, if I talked to a little group, or to a couple.....So little by little, I've just kind of weeded out most of the Spanish,... you know, we don't even do our calendar in Spanish anymore because we're not allowed to put it on the wall. And so when we had Open House, Back To School night, I was told you didn't have, should not have anything that was in Spanish, and I should not be, you know. But, you know, half the people who came spoke only Spanish. I spoke to them. When the Superintendent came, I spoke in English. I mean it's just crazy, you know. I'm worried, I guess I, I'm not paranoid about it, but I just, the whole thing seems totally pointless.

Many teachers also expressed the concern that they could be held legally liable for failing to implement the law correctly, and they worried that they would lose their jobs, or worse. A former bilingual fourth grade teacher in a large suburban district described how the local union representative appeared to have cautioned teachers against using primary language as well, but it was never made clear just what was actually acceptable and what was not:

> Actually, there was a letter that was sent to a lot of us that if we were, I guess, caught teaching in Spanish that the union would not represent us, that we would have all rights lost by any legal representation, so that was... so consequently we kept asking well, what is... you know, what can you and can't you do? And that really has never been clear. Some teachers worried more than others.

Another former bilingual teacher in a large suburban district talked about the confusion surrounding what her district expected of teachers working with English learners:

> Some of the teachers were upset. They wanted to know exactly what percentage of the day could be in Spanish. The district may have a percentage in mind, but they aren't telling us. And now we've already lost a quarter. We don't know what to implement. There is a disparity between the different interpretations of what we are supposed to do. This is poor judgement and they're letting us be independent, but they should have told us the first week. I want a clear cut decision of what is next.

Again, the second-third-grade combination teacher in a rural school with a high percentage of Spanish speaking parents also noted that parents were confused by the law and felt awkward in addressing the teachers. She was concerned that the new policy would discourage parents from coming to school and harm parent-teacher relations.

> I've had parents come to me and ask is it legal for you to speak to me in Spanish?, just really intimidated and pretty frightened by all of this, I guess the feeling behind it all. It's not just the law, but, you know, their sense of the intent is that, you know, maybe I can't even speak Spanish to the teacher....

Impact on Teacher Recruitment

Both the October 1998 Memorandum from the state Board of Education and a Fact Sheet released by the Commission on Teacher Credentialing in the same month restated the importance of maintaining CLAD and BCLAD teachers in classrooms serving English learners. And, they reported that in a survey of districts after the passage of Proposition 227, all intended to continue hiring "as many CLAD and BCLAD teachers as they can find" (California Commission on Teacher Credentialing, 1998). Nonetheless, this is not the message that was articulated in some of the districts that have chosen to abandon primary language instruction among the sample of districts in these studies. Four of the districts we studied indicated that there would be less of an emphasis on seeking bilingual teachers as a result of the passage of Proposition 227. In one rural district, an administrator explained:

> One thing I didn't mention earlier, and this may apply to several different questions, I'll just, tell what it is, is we no longer have to worry about that B-CLAD. That, you know, writing that annual staffing plan was just, it was futile! Because there's just no way you're going to get people to get their B-CLAD and that's what the law requires, that these people, if they have any students, which, in our District, is all over the place, they gotta be working towards their B-CLAD. It's not going to happen! And so, what's nice is, we don't have to play with that any more.

In 1998, prior to the passage of Proposition 227, there were 10,894 teachers in the pipeline for bilingual credentials working in California schools, in 1999 after the passage of Proposition 227, that number had been reduced by half to 5,670. Some portion of those teachers may still be pursuing their bilingual credential, however without the prospect of a job opportunity, it is not clear what the incentives are for them to continue the additional preparation.

By contrast, another small suburban district with a relatively small percentage of English learners, but with a strong commitment to substantial primary language support to EL students took a different approach. District leaders had decided to maintain their existing program by continuing to search for and hire certified bilingual teachers:

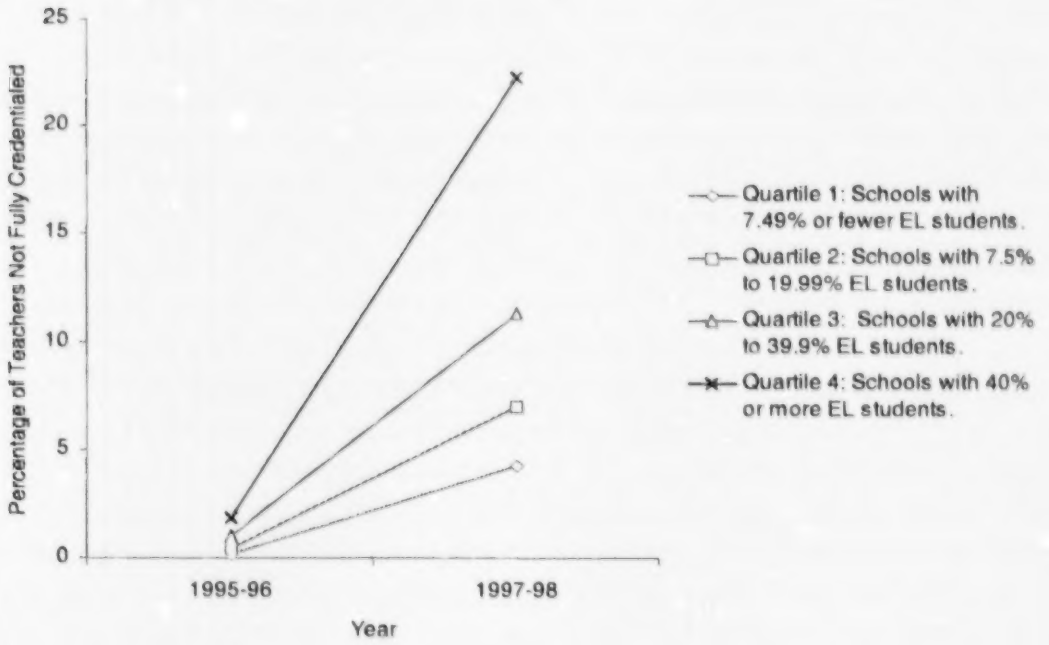
> I don't think there is any difference [in programs before and after 227]...About four years ago we made that as a preference - looking for bilingual teachers, especially in Spanish, so we made an effort to try to hire teachers who were bilingual. Maybe even as far back as seven years ago and that was before we really got into CLAD and ELD training. But we always keep our eyes and ears open for people who have dual or triple language.

Impact on Training

Prior to the passage of Proposition 227, and in good part brought about by the class size reduction initiatives, major inequities were noted in the access to credentialed teachers by different students in California. English learners were then, and are now, the most likely to be taught by a teacher without any credential. Figure 3 displays the extent to which increases in percent of English learners in a district also increases the percent of teachers without credentials. Given the major changes in curriculum and teaching methods that have been mandated, much is being demanded of teachers of English learners, many of whom are inadequately prepared to begin with.

Yet, in the districts studied, we encountered no systematic professional development for teachers of English learners to strengthen their skills at working with these students in either a bilingual or a monolingual English context during the first year. In fact, the requirement that schools implement Proposition 227 when they opened their doors in September gave many so little time to prepare that there simply was no opportunity to train teachers before they were placed in the classroom. The account of one administrator in a large district serving many English learners gives a picture of how teacher preparation was handled.

Figure 3
Percentage of Public K-3 Teachers Not Fully Credentialed by School Quartiles of English Learners: 1995-96 and 1997-98



SOURCE: George W. Bohrnstedt & Brian M. Stecher (Eds.), Class Size Reduction in California: Early Evaluation Findings, 1996-1998 (Palo Alto: American Institutes for Research, 1999), Table D.31.

Our leaders waited to hear from the state because immediately right after the passage of 227, there was a lawsuit and we waited until July 15th. When [the] Judge said to all the state school districts that you go ahead and implement it while we sort things out at this level. So the district started to move into it but we did not have any guidelines from the state, so we waited some more until the state came out with guidelines in terms of how to interpret the law. And that came to us about the first week of August. And then we took the guidelines from the state and put together our own plans to present to our own board by the third week of August and presented to our principals by the end of August. And basically school started on the first week of September, so we roughly had about ten days of turnaround time. After that we've been pulling the teachers out, group by group, particularly teachers who had Spanish bilingual program last year, and to go through unfortunately a one day training, intensive training to switch over from Spanish bilingual programming to Structured English Immersion Process. In the meantime at the start of the year, they are to do everything, basically, nearly all of their teaching is to be done in English. Books are still being sent out,

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> ordered...we still we are now in the calmer mode now, we're settling down a little bit. But there's still quite a lot of trouble spots out there.

One experienced teacher from this district corroborates this story by explaining how, in spite of her years of experience as a bilingual teacher, she had little idea of how to approach her new English only class:

> And a frustration that I have been teaching thirteen, fourteen, fifteen years. I've never taught...I think my first year I taught English reading. And I know how to teach Spanish reading. I don't know how to [teach English reading], I had to learn where you start, you know that you start with the short vowels and consonants.

Policy Implications

Although Proposition 227 is still in its initial phases of implementation, the observations we have made to date suggest a number of policy implications.

Extraordinary role of testing in driving practice

The decision to test all California students who have been in school for at least 12 months—regardless of their English language proficiency and using a standardized test (SAT 9) normed on a sample of 98 percent English speakers—has had an enormous impact on instruction across all kinds of classrooms. The fact that this is coupled with new sanctions against both students and schools that do not perform well, makes the test a very high stakes instrument. Some have questioned the wisdom of using a high stakes test with students for whom much of it is unintelligible, but it is nonetheless a powerful tool in shaping pedagogy and practice—for good or for ill.

The advent of the new English Language Development (ELD) standards, and the accompanying ELD test, hold hope for a better assessment of English learners' academic and linguistic progress, since these functions could theoretically be measured separately. However, no date has been established for when the ELD test will be available, nor have plans been made to validate the test prior to its use. The availability of a valid ELD test may still be years away. In the meantime, the existing test seriously confounds academic ability with English competence in ways that do not allow us to make accurate assessments of either.

A related issue is the unresolved problem of how to reclassify students from English Learner to Fluent English Proficiency for purposes of accountability and programming under the new law. Title 5 of the education code specifies that English learners should be assessed for

reclassification, however the criteria for reclassification and the instruments to be used for this purpose are not indicated. In the absence of state policy, there is no means for establishing district accountability with respect to services provided for English learners.

Finally, the question of the extent to which Proposition 227 has eroded primary language programs is confounded with the role which testing policies that were passed at virtually the same time played in this reduction. The concurrent introduction of Proposition 227 along with the new statewide testing program and grade level standards of achievement on these tests that determine student promotion and incorporate implicit teacher sanctions when students do not meet these, makes it difficult to separate the of these measures.

The problem of consistency in educating English learners

No matter which side of the ongoing debate about the use of primary language for the instruction of English learners that one falls, one finding from our studies to date is the problem of inconsistency in the instruction of English learners. Because policy has been so fragmented and fraught with political overtones, and because sufficient numbers of well-qualified teachers have never been available to mount a coherent state-wide program for English learners, these students have commonly been subjected to piecemeal and fragmented instruction as they moved through the grades. Whether a student received primary language instruction or some form of English immersion at each grade was often as much a function of the availability of skilled personnel as it was a reflection of philosophy or preferences. Within any given school, large variations in approach were often the rule rather than the exception. This has been documented by every major evaluation of programs for English learners (Ramirez, 1992; Berman, et al., 1992). In fact, it could be argued that inconsistency of instruction has been a bigger barrier to educational progress for English learners than any other single factor in their schooling. Thus, educational policy that addressed this problem could have a significant impact on these students' academic fortunes. Unfortunately, what has resulted from the passage of Proposition 227 is quite the opposite.

Because it is a "top-down" policy that did not take into account the skills and expertise (or lack thereof) of the existing teaching force, and over-rode their opinions about the best way to teach English learners, we have found the same things that have been documented extensively in the school reform literature—classroom teachers adopt a broad range of interpretations of and responses to the initiative based on their previous experience, professional preparation,

pedagogical and moral beliefs, school interpretation of the mandate and degree of involvement with setting.

> ...teachers do not simply change their practice in response to externally envisioned principles. Rather they apprehend and enhance new instructional policies in light of inherited knowledge, belief, and practice (Cohen & Ball, 1990, p. 335).

Moreover, because the response to the initiative is so varied, it has almost certainly increased the amount of inconsistency in the instruction to which these students are being, and will be, exposed. A serious problem has been made worse. Wise education policy would address the problem of inconsistency of instruction BEFORE imposing top-down mandates that have the effect of increasing variation in practice.

The changing perception of need for BCLAD teachers

A notable portion of the school districts we studied indicated that they would not be recruiting credentialed bilingual teachers in the future. With more extensive preparation and an ability to both communicate with students and parents and check for understanding, BCLAD credentialed teachers are generally more able to meet the needs of English learners, regardless of the language of instruction. It is more difficult for CLAD credentialed teachers, who have fewer hours of preparation for teaching English learners and who do not have the skills in the students' primary language to meet the unique needs of a room full of students who cannot communicate effectively in English. Teachers who have no specialized credential at all are so severely challenged by such circumstances as to make their effectiveness extremely questionable. Several teachers we interviewed who held only CLAD credentials noted that CLAD training was just the "tip of the iceberg" of what they needed to know in order to effectively teach EL students. In the words of one ESL teacher in regard to the best approach to training teachers of these students, "CLAD is a start. It's not the best approach but it's a start". Setting the bar lower by requiring no more than a CLAD credential for those who instruct English learners, seems to go counter to the current emphasis on strengthening the skills of teachers in California's classrooms.

Critical need for teacher preparation and curriculum development

Considerable attention has turned recently to the need for better preparing teachers to meet the challenges of raising the achievement of California's students. However, there has been a notable absence of attention to the needs of English learners in this discussion and how to better prepare teachers to meet these needs. This oversight is particularly conspicuous given that

teachers themselves note this as an area in which many perceive themselves to lack competence. The fact that English learners continue to lag behind other students in measured achievement even when language is held constant (Mitchell & Mitchell, 1999; August & Hakuta, 1997), underscores the urgency of finding ways to address the educational needs of this population if state-wide achievement is to be raised. Certainly, in the schools we observed, large percentages of teachers were under-equipped to teach in any classroom, let alone in a classroom of students whose knowledge of English was extremely limited.

Even well trained and experienced bilingual and ELD teachers noted that they lacked adequate curriculum and materials to implement the Proposition 227 mandate. Primary language books that had been used in prior years had to be put away, but nothing was provided in their stead. And, even where they had materials, many new teachers had not been instructed in how to best use them.

Need to monitor continuing change

It was clear in the schools that we visited that policy was evolving. What we observed were the first months of implementation as people were grappling with how to institute a "paper policy" that had not yet been tested out in the schools. Teachers noted the messages they received from administrators were often tentative and gave no indication that they would necessarily represent long-term policy. As noted, some schools were even put on notice that their test scores would determine the kind of program that might be offered in the district or the school in the future. It also remains to be seen how teachers cope with the new demands placed on them by Proposition 227. Some teachers we interviewed spoke of leaving the profession in frustration, feeling that they had been robbed of all autonomy and were being told to follow practices that ran counter to their own best judgment. Many teachers felt the burden of unhappy parents, crying and confused students, and administrators simultaneously demanding that they meet higher standards and that they increase their test scores. The pressure was palpable. It is clear that in such an environment, for good or for ill, changes will occur. People and systems will adapt over time to practices that are workable within their contexts. It remains to be seen whether these adaptations will better serve English learners.

Conclusion

The data from this study are in keeping with a body of policy implementation literature that finds that "variability is the rule rather than the exception in the relationship between policy and practice" (Elmore & McLaughlin, 1988, p. 34). Although state and federal policies have been shown to exert some influence on policy outcomes, the unclear and poorly enforced or unenforceable nature of these policies contributes to the fact that "most state and federal policies in the past have engendered a range of local behaviors rather than uniform compliance, and they explain why the most typical outcome is some compromise between higher level policymakers' intentions and local actors' need" (Fuhrman & Elmore, 1990, p.88).

Although our data are preliminary, it would appear that teachers are responding to Proposition 227 as might be expected based on previous research findings. That is, within the classroom teachers adopt a broad range of interpretations of and responses to the initiative based on their previous experience, professional preparation, pedagogical and moral beliefs, school interpretation of the mandate and degree of involvement with setting and enforcing policy, and the "imposed" nature of the policy itself, among other factors.

Nevertheless, it should be recognized that the Proposition looms large as one of these factors determining practice. Teachers spoke often of fears regarding non-implementation, confusion about what was acceptable and not, and frustration at not having the materials and training to implement new practices while being "forbidden" from using those which they had found effective previously. Many researchers contend that at least so far, top-down policy such as that prescribed by Proposition 227 has proven to be an extremely flawed instrument for constructing new policy. "Policy at best can enable outcomes, but in the final analysis it cannot mandate what matters" (McLaughlin, 1987, p. 173) and top-down policies can "constrain but not construct" practice (Darling-Hammond, 1990, p. 341).

The confusion and the inconsistency that characterizes the attempts to grapple with Proposition 227 implementation that we observed in our study will eventually become institutionalized policy for English learner programs in these districts and schools. Likewise, teachers will continue to adapt their classroom practice based on an array of factors including the mandated and nominally punitive nature of this policy, their own experience and training, and their personal code of belief and morality. And, clearly, proposition 227 has, and will continue to

generate change. What remains to be seen is the ways in which this change will be reflected in the educational outcomes for English learners.

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Organization/Address: University of California Linguistic Minority Research Inst. Building 529, Room 4722 Santa Barbara, CA 93106-3290	Telephone: (805) 893-8250 FAX: (805) 893-8473
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